

The Superior Court



Santa Clara County

Survey Results

Electronic Services Survey

of the

Santa Clara County Bar Association Membership

Version 2, released 10/31/95



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Revision History

Version 2, October 13, 1995. High-Propensity Users analysis added.

Copies of this document may be obtained by contacting the Clerk's Office of the Superior Court of Santa Clara County at (408) 299-2074.

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Acknowledgment

The survey and results presented in this report were commissioned by the Superior Court of Santa Clara County as a research element in support of its court automation project. The court and its Executive Officer wish to acknowledge the gracious assistance of the Santa Clara County Bar Association and in particular its president, Mr. Patrick Adair.

I. Summary

The survey was designed to investigate the level of interest legal practitioners might have in a variety of electronic services designed for interaction with the court and how much value they would place in such services. It also endeavored to develop a profile of the respondents and their current interactions with the court. Eighty-four responses were received from the approximately 400 surveys sent to a random selection of members by the Santa Clara County Bar Association.

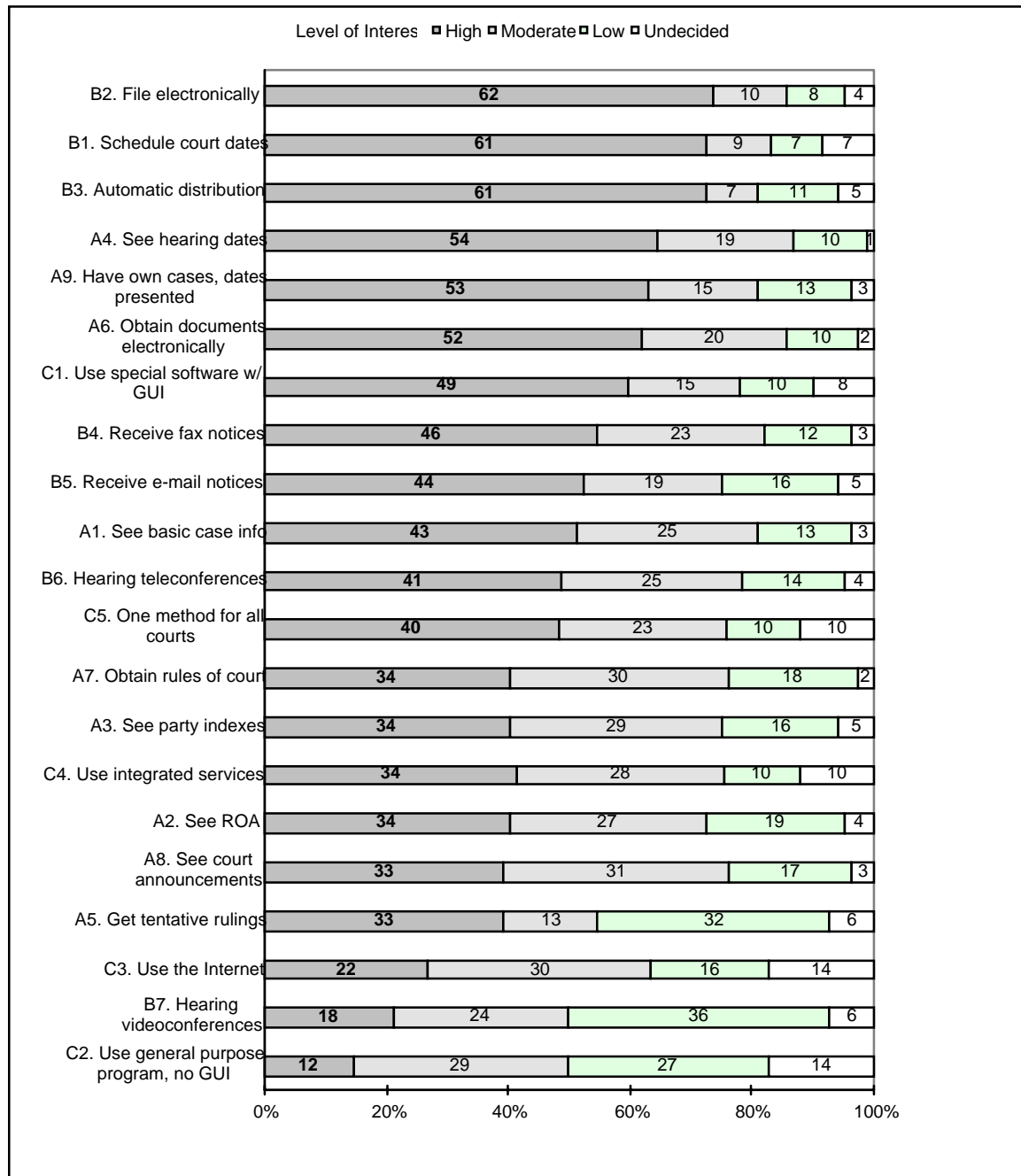
With respect to offering electronic services to this audience, significant findings include:

1. in general, there is strong interest among legal practitioners in utilizing electronic interaction with the court (page 2);
2. practitioners are more interested in transactional services, such as electronic filing, scheduling hearing dates, or automatic distribution of filings to opposing parties than in simple retrieval services such as seeing the index or register of actions (page 7);
3. the typical practitioner has cases in about 4 counties, and more than two in every five practice in 5 or more counties (page 13);
4. over one half of practitioners file cases in both the Municipal and Superior courts (page 12);
5. there is a strong preference for being able to use one method to interact with multiple courts (page 14);
6. there is similarly a strong preference for electronic filing and inquiry services to be integrated with other electronic services such as legal research sources, discussion forums, and other professionally oriented products (page 15);
7. a substantial majority would invest in additional hardware and software to gain electronic access to the court, and most would pay from \$15 to \$30 per month for such services (page 8).

While there are certain services or capabilities that are relatively less interesting to members of the Bar (such as holding hearings by videoconference or using the Internet for court business), no item on the survey received a positive response of less than 50%. One might conclude that on the whole attorneys are more than ready to join the court in cyberspace; our concept of the “virtual Clerk’s Office” appears to be validated by these results.

The following two pages provide high-level summaries of the results of the survey, and the remainder of the report studies a number of specific issues in depth.

Level of Interest in Suggested Electronic Services



The Survey Form Annotated with Responses

v5		YOUR LEVEL OF INTEREST		
		LITTLE/NONE	MODERATE	HIGH
A. What type of court information would you like to access electronically?		58% \$15 or more/month?		
1	Review basic case information (e.g., case status, type, parties).	15%	30%	51%
2	Review the register of actions (docket).	23%	32%	40%
3	Review party indexes (names of litigants).	19%	35%	40%
4	Review scheduled hearing dates.	12%	23%	64%
5	Obtain tentative rulings (Municipal Court).	38%	15%	39%
6	Obtain electronic versions of filed documents.	12%	24%	62%
7	Obtain current rules of court.	21%	36%	40%
8	Review court notices or announcements.	20%	37%	39%
9	Have your cases and next milestone dates automatically presented upon connection.	15%	18%	63%
10	Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. What other types of activities would you like to perform electronically?		50% \$15 or more/month?		
1	Schedule court appearances.	8%	11%	73%
2	File pleading documents with the court.	10%	12%	74%
3	Have the court's system automatically distribute filings to opposing counsel.	13%	8%	73%
4	Receive notices from the court by fax.	14%	27%	55%
5	Receive notices from the court by electronic mail.	19%	23%	52%
6	Participate in hearings by teleconference.	17%	30%	49%
7	Participate in hearings by videoconference.	43%	29%	21%
8	Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. How would you expect to interact with the court's computer system?				
1	Using a graphical point-and-click interface and special software developed for the purpose.	12%	18%	60%
2	Using typed commands, function keys, or menus and any general purpose communications program.	33%	35%	15%
3	Using the Internet.	20%	37%	27%
4	Using an integrated service that includes legal research, discussion forums, news, and other such capabilities.	12%	34%	41%
5	Using a single method to interact with courts in this and other counties.	12%	28%	48%
D. How much would you (or your firm) invest in hardware and software to avail yourself of most of the capabilities mentioned above?		12% Nothing 41% \$500 or less 27% around \$1,000 19% \$2,000 or more		
E. Within the next 12 months, if electronic interaction was made available, what do you think you would use to access this information?				
32% DOS system 77% Microsoft Windows system 12% Touch tone phone and audio response				
0% UNIX desktop system 13% Apple Macintosh system 6 <input type="checkbox"/> Other _____				
F. About you. These answers will help us better understand the demand for electronic services. (Section F results are shown as averages and include private sector litigators only)				
1	How many attorneys are in your firm or practice? <u>6.6</u>			
2	What type(s) of cases do you typically litigate? _____			
3	How many Superior Court filings do you typically make in a month? <u>12.7</u> Municipal Court filings? <u>3.4</u>			
4	How many contacts do you (or staff) typically have with the court or Clerk's Office in a month? <u>17.3</u>			
5	In how many counties do you file cases in a typical year? <u>4.4</u>			
6	Which best describes your computer experience? 8% Novice 72% Computer literate 20% Expert			
You may provide any additional comments on the back of this form or another page. If you would be interested in responding to questions or participating in future surveys, also provide contact information (and/or your e-mail address).				

II. Analysis

A. Introduction

The survey form was sent to over 400 members of the Santa Clara County Bar Association in late August of 1995. Questions on the survey form were divided into six sections:

1. Section A focused on the types of information respondents might like to obtain electronically from court records;
2. Section B examined the level of interest in certain more advanced activities, typically bi-directional or transactional in nature, such as scheduling or filing;
3. Section C investigated any preferences people might have regarding how they interacted electronically with the court;
4. Section D consisted of one question which endeavored to determine how much members of the bar would invest in computer hardware and software to avail themselves of electronic services;
5. Section E examined the software environments in use, or anticipated to be in use, within the following 12 months;
6. Section F focused on the profile of who responded and how frequently they interacted with courts.

In addition to what they wanted to get and do with electronic services, sections A and B also attempted to determine the relative value of those services to the respondents. This was simply indicated as whether or not the capabilities of the respective sections were worth \$15 a month to the respondent.

Eighty-four responses were received in time to be used for most of the analyses. Supplemental analyses performed for version two used 95 responses. Of course, some forms did not include responses to all questions, and this is indicated as appropriate in the following analyses.

B. Who Responded?

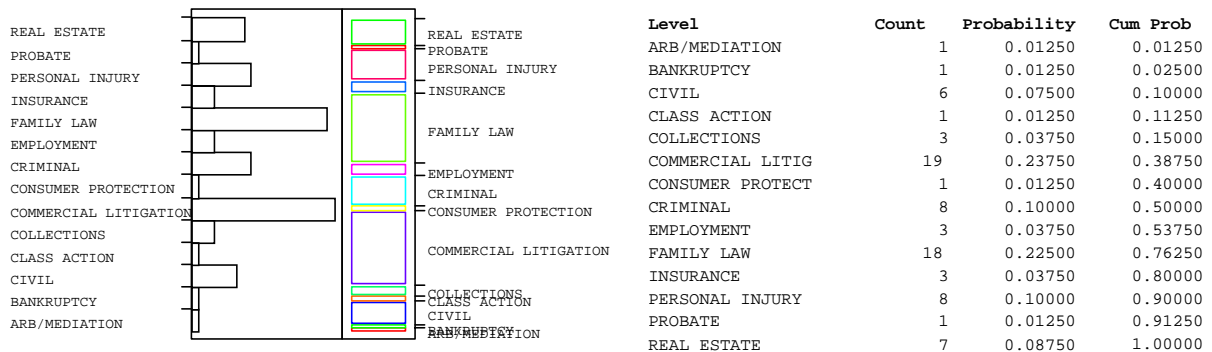
Question F2. What type(s) of cases do you typically litigate?

80 responses received.

The first indicated field of practice was tracked (some respondents included as many as three fields of practice) with results as indicated below.

Commercial or business litigation (24%) and family law (23%) were the best represented groups by far. Criminal (10%), personal injury (10%), and real estate (9%) practitioners were also significantly represented. These proportions roughly correspond to the ratios of 1994 Superior Court new case filings, with the possible exception of criminal (which was 18% of new case filings).

F2. Types of cases litigated



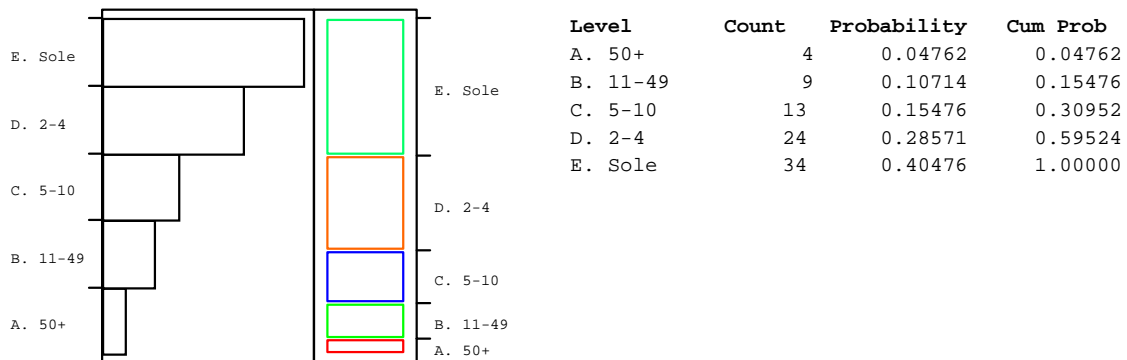
Question F1. How many attorneys are in your firm or practice?

84 responses received.

Sole practitioners constituted about 40% of the respondents, firms with 2 to 10 members 44%, and firms with more than 10 members about 15%. The average number of attorneys per firm is 10.3, while the median is 2.5.

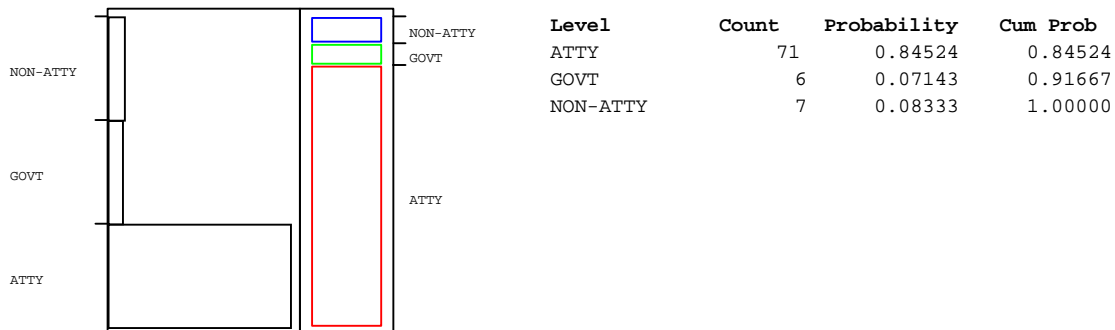
This profile is in rough agreement with the results of the court's prior analysis of case management system data for 1994.¹ In that study of filing patterns, sole practitioners were estimated to comprise 44%, members of firms of 2-4 members 28%, 5-10 were 20%, 8% were affiliated with firms of greater size. The database used in that study was understood to understate the size of firms since it was capable of counting only litigators. The results shown here are therefore likely more trustworthy.

F1. Size of Firm



It was also generally possible to determine the nature of the role of the respondents. Most were litigators, 7% were in government service such as with District Attorney's Office or government agencies, and 8% were identifiable as non-litigators.

Attorney Roles



Finally, 73% of respondents described themselves as computer literate, 19% as expert, and 8% as computer novices.

¹ Civil Case Filing Profiles, The Superior Court of Santa Clara County, May, 1995.

C. What are the Most Popular Electronic Services?

The six most popular capabilities, judging from the number of responses in which the level of interest was indicated as “high”, are, in order:

1. File pleading documents with the court electronically (question B2, 74% high, 12% moderate, 10% low or no interest);
2. Schedule court dates electronically (question B1, 73% high, 11% moderate, 8% low or no interest);
3. Have the court’s system automatically distribute filings to opposing counsel (question B3, 73% high, 8% moderate, 13% low or no interest);
4. Be able to review scheduled hearing dates (question A4, 64% high, 23% moderate, 12% low or no interest);
5. Have your cases and next milestone dates automatically presented upon connection (question A9, 63% high, 18% moderate, 15% low or no interest);
6. Obtain electronic versions of filed documents (question A6, 62% high, 24% moderate, 12% low or no interest).

The least interesting services or capabilities are indicated to be:

1. Using typed commands, function keys, or menus and any general purpose communications program (question C2, 15% high, 35% moderate, 33% low or no interest);
2. Participate in hearings by videoconference (question B7, 21% high, 29% moderate, 43% low or no interest);
3. Use the Internet for court interaction (question C3, 27% high, 37% moderate, 20% low or no interest);
4. Obtain rules of court (question A7, 40% high, 36% moderate, 21% low or no interest);
5. Review court notices or announcements (question A8, 39% high, 37% moderate, 20% low or no interest);
6. Obtain tentative rulings (Municipal Court) (question A5, 39% high, 15% moderate, 38% low or no interest).

These findings tend to confirm some previously held hypotheses.

1. Members of the Bar are generally willing to embrace computerized services and to interact electronically with the court. For instance, they would prefer to file electronically, have filings automatically distributed to involved parties, schedule their own court dates, and retrieve electronic versions of filed documents. They are

less interested, however, in purely retrieval oriented services such as those of Section A of the survey. In short, there is high demand for bi-directional and transactional services, and more moderate demand for simple retrieval services.

2. Attorneys appear to want a service that is designed for their specific needs and reflect how they are apt to work with the court. For example, a service should automatically recognize who the user is and present information pertinent to his or her own cases and pending deadlines. The software should be specifically designed for the purpose, be integrated with other legal services or products of utility to practitioners, and it should utilize a graphical user interface (presumably for ease of use considerations).

Though some capabilities such as using videoconferences for hearings or using the Internet for court business appear relatively unattractive to practitioners, it should be noted that in no instance did more than 50% of respondents indicate little or no interest in any of the capabilities suggested in the survey.

D. Is the Legal Community Willing to Pay for Electronic Services?

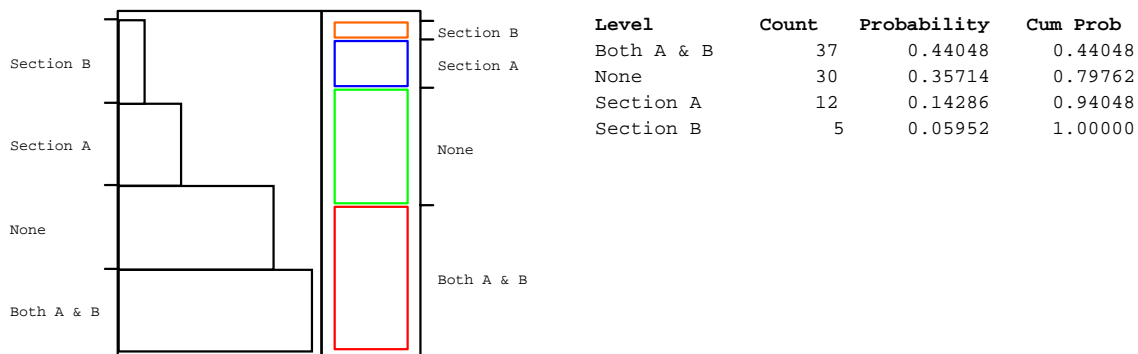
Questions A & B. \$15 or more/month?

84 responses received.

Survey section A questions referred to the types of information respondents would like to obtain from the court, ranging from calendar information to the text of filings. Section B questions involved more transactional activities, such as scheduling cases or filing pleadings electronically. Section B also addressed telepresence, or the use of teleconferencing and videoconferencing.

Forty-four percent of the respondents indicated a willingness to spend \$30 per month for all of the electronic services indicated on the survey form. 58% would pay \$15 a month for only Section A capabilities, and 50% would pay \$15 a month for Section B capabilities only. 36% indicated no willingness to pay anything for such services.

Would you pay \$15 or more a month?



The question of whether one type of participant values electronic interaction more highly than another is addressed in the following table. Interestingly, attorneys in government service indicate a higher willingness to pay \$30 a month for all offered services than do those in the private sector.

Valuation of Electronic Services by Role

Willingness to Pay	ATTY	GOVT	NON-ATTY	All
Both A & B	0.4507	0.6667	0.1429	0.4405
None	0.3521	0.3333	0.4286	0.3571
Section A	0.1408	0.0000	0.2857	0.1429
Section B	0.0563	0.0000	0.1429	0.0595
	71	6	7	8

The relative value of prospective electronic services was also analyzed based on the size of the practitioner's practice. According to these results, sole practitioners are the least likely to want to spend anything for such services. Interestingly, small firms of 2 to 4 partners indicated more willingness to pay for electronic services than did larger firms.

Valuation of Electronic Services by Size of Firm

Willingness to Pay	A. 50+	B. 11-49	C. 5-10	D. 2-4	E. Sole	All
Both A & B	0.5000	0.4444	0.5385	0.6250	0.2647	0.4405
None	0.5000	0.3333	0.2308	0.1667	0.5294	0.3571
Section A	0.0000	0.2222	0.1538	0.1667	0.1176	0.1429
Section B	0.0000	0.0000	0.0769	0.0417	0.0882	0.0595
	4	9	13	24	34	8

In examining several other factors, it appears that those who place little or no value on electronic services can be profiled as follows.

1. The less experience with they have with computers the less practitioners value electronic services; computer experience correlates with willingness to pay for electronic services.
2. Sole practitioners and non-litigators are less likely to value electronic services.
3. Family law practitioners are less likely to value electronic services.
4. Those committed to the DOS operating system are less likely to value electronic services.

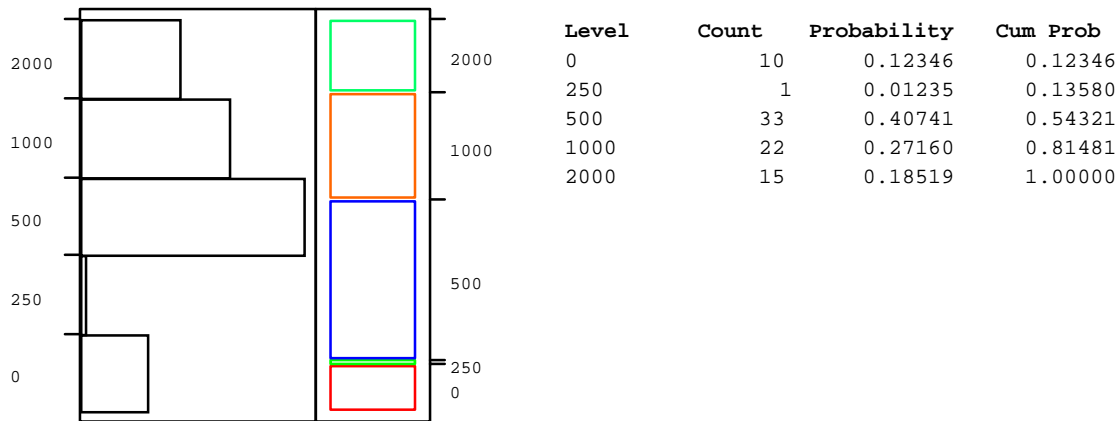
Question D. How much would you (or your firm) invest in hardware and software to avail yourself of most of the capabilities mentioned above?

81 responses received.

This question was directed at determining the acceptable threshold of one-time investment for gaining electronic access to the court. Four selections were offered: nothing; \$500 or less; around \$1,000; or \$2,000 or more.

About 41% of respondents indicated they would spend as much as \$500, and another 46% indicated they would spend \$1,000 or more. Only 12% felt no investment was justified.

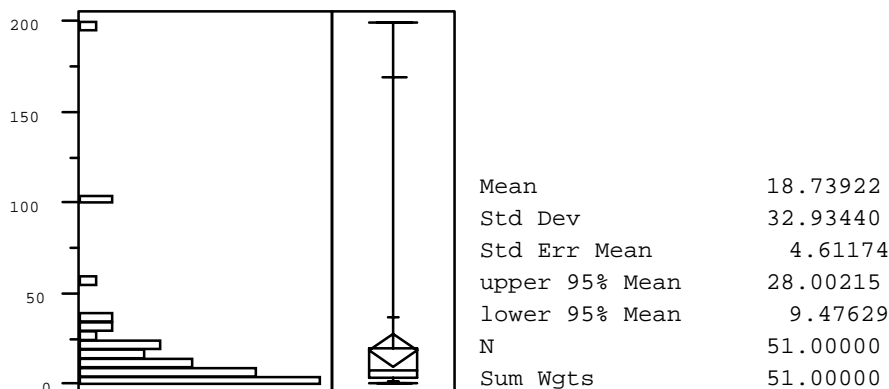
Question D. Invest how much to utilize electronic services?



E. High-propensity users of electronic filing services.

To shed some light on pricing issues, the data set was filtered to eliminate responses of (1) those who indicated an unwillingness to pay any amount for electronic services, (2) those practicing criminal law, (3) those who do not submit filings to the Superior Court, and (4) the District Attorney's Office. Presumably, the remaining group represents those who are actually likely to use electronic services. This high-propensity group was composed of 51 practitioners.

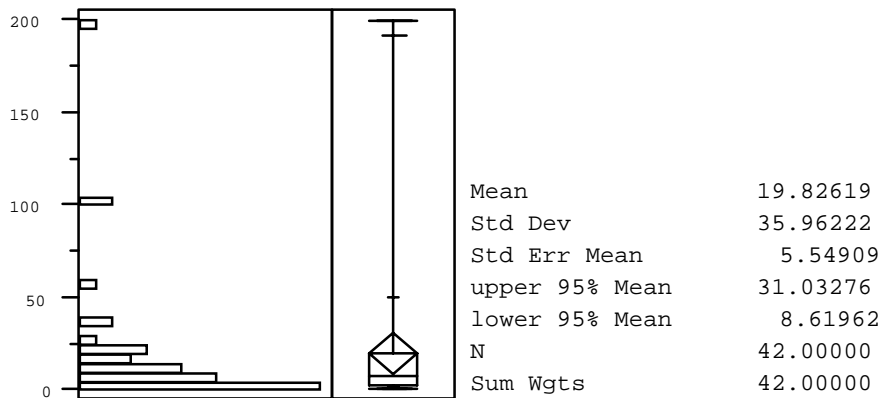
**F3-1 Number of Superior Court filings monthly
(by those willing to pay for electronic services)**



This group's average of 18.7 filings per month (median 7.5) is higher than for the sample as a whole. On the assumption that those indicating a willingness to pay for services will be early adopters, we would be justified in expecting a higher level of filing activity than for the initial sample as a whole.

Increasing the selectivity in another iteration, practitioners were filtered out as per the above with the exception of those who had specified a willingness to pay for services listed in section B of the survey. Section B services are characterized by bi-directional/transactional (as opposed to retrieval) services, and specifically included the electronic filing option. The 42 members of this group indicated an average of 19.8 filings per month, with a median of 7.5. This finding would suggest that frequent filers are more likely to want and pay for electronic services, but in fact further analysis shows only a weak correlation between willingness to pay and filing activity. No statistical difference was detected in the means based on type of case nor by size of firm.

**F3-1 Number of Superior Court filings monthly
(by those willing to pay for Section B electronic services)**



F. Interactions with Courts

A good part of section F of the survey focused on the frequency and nature of practitioners' interactions with courts.

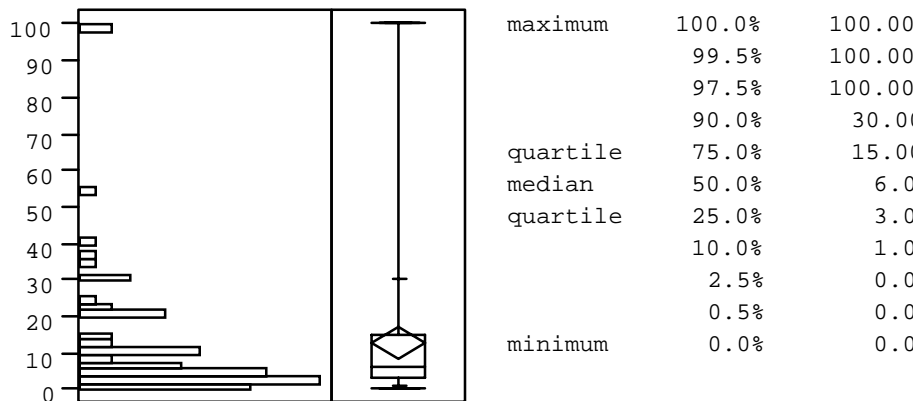
Questions F3-1 and F3-2. How many Superior Court filings do you typically make in a month? Municipal Court filings?

71 responses included in analysis.

Looking only at private sector litigators, the average number of Superior Court filings per month was found to be 12.7, and the median is 6. Analysis of Superior Court filings by the size of the practitioner's firm indicates no significant statistical difference between the means.

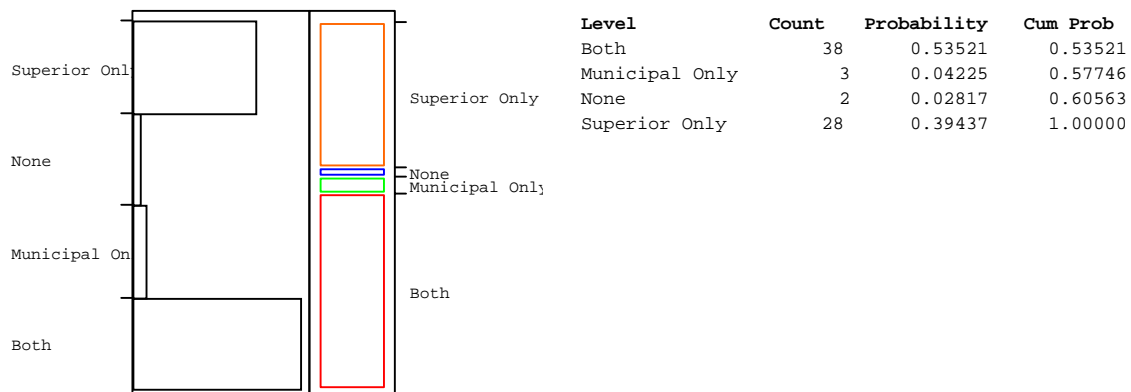
The court's analysis of 1994 filing data indicated that only about 2% of attorneys filed one or more cases per week, and that the average attorney filed about 4 cases in 1994.² This survey's results are not necessarily inconsistent with those results, given that more than 10 subsequent filings can be expected for a typical case.

F3-1. Number of Superior Court filings monthly



There is significantly less indicated activity with the Municipal Court, where the average is 3.4 filings a month with a median of 1 per month. However, the majority (54%) of litigators are active in both Municipal and Superior court jurisdictions.

Filing activity within local jurisdictions



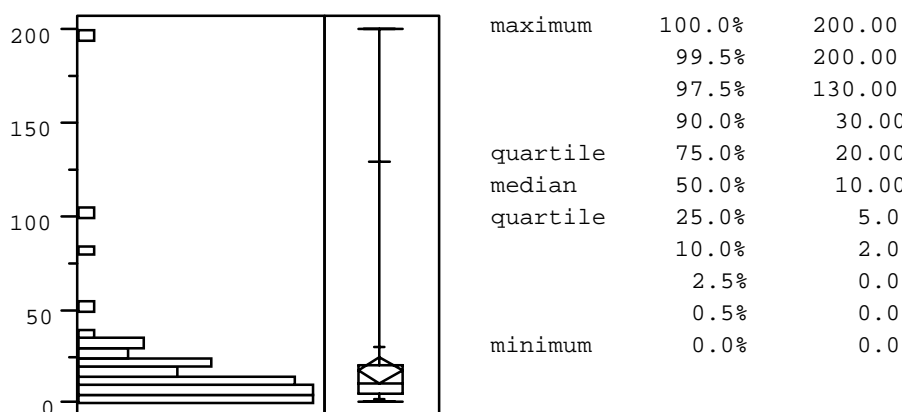
² *ibid.*

Question F4. How many contacts do you (or staff) typically have with the court or Clerk's Office in a month?

67 responses included in analysis.

Again excluding public sector practitioners and non-litigators, the median response is 10 contacts with the Clerk's Office per month, with an average of 17.3 monthly. Each filing results in an average of 1.7 reported contacts with the Clerk's Office. This survey detected no statistical difference in contacts based on type of case. The availability of electronic interaction would presumably reduce the overall number of contacts with the respective courts' Clerk's Offices.

F4. Clerk's Office contacts per month

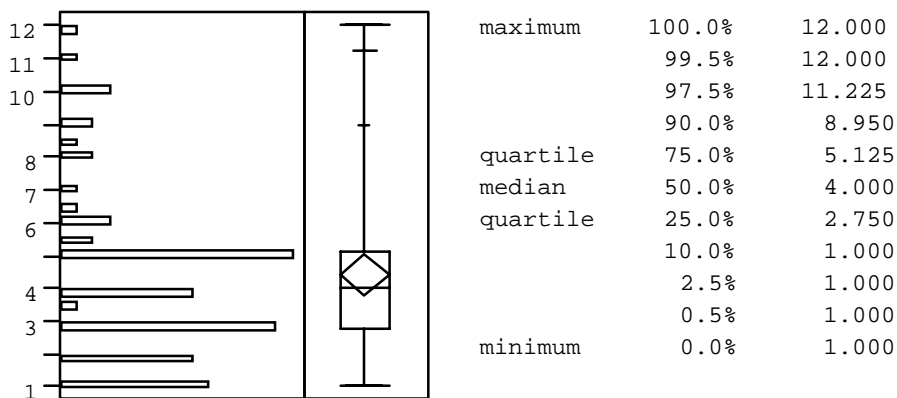


Question F5. In how many counties do you file cases in a typical year?

70 responses included in analysis.

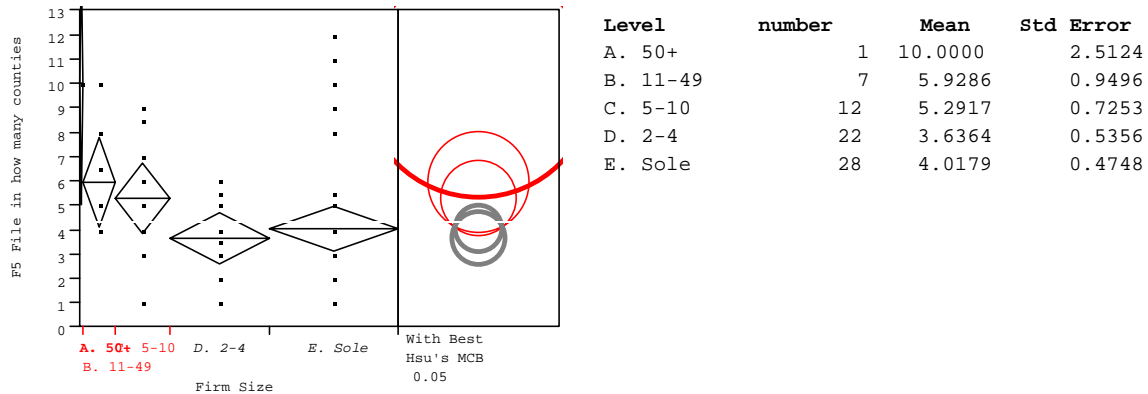
The typical (median) firm files cases in 4 counties during a given year, and the average is 4.4 counties. 44% of practitioners file in more than 4 counties a year.

F5. Number of Counties filed in annually.



There appears to be a mild correlation between the size of a firm and activity in multiple counties. There is a statistically significant difference in the average for firms of five or more practitioners and smaller firms.

Activity in counties by size of firm



Specialties in insurance and collections appear to result in the most activity outside of the local county.

The significant point would seem to be that practitioners are typically active in more than their home county, and as we saw above, they would typically want access to both the Municipal and Superior courts of a county.

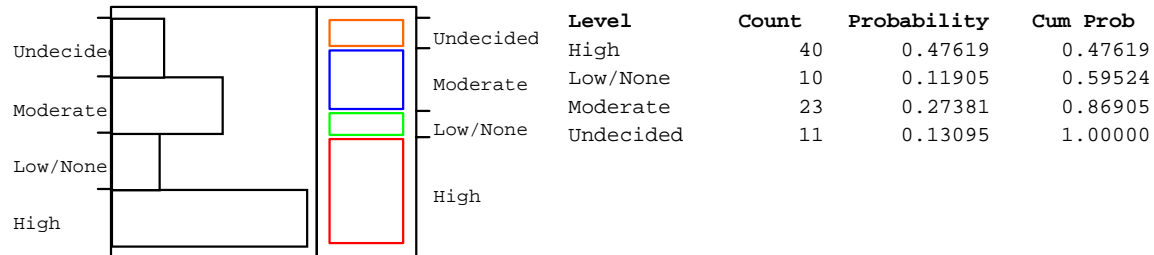
G. Preferred Methods of Interaction with Courts

Question C5. Using a single method to interact with courts in this and other counties.

84 responses received.

The prospect of each court within the region or state requiring a different method for electronic interaction, as is presently the case in California for the limited remote access services that are offered, is suspected of contributing to the rather disappointing level of acceptance of those services. It may well be that the same may be true for more sophisticated services such as electronic filing and those identified in Section B of the survey.

C5. Single method to interact with multiple courts



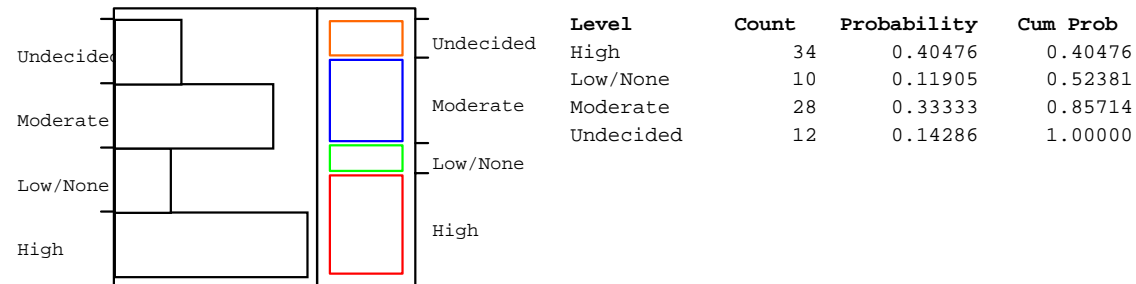
This hypothesis is seemingly supported by the survey results, in which 75% of respondents have a moderate or strong level of interest in having a single method of interacting with multiple courts. The preference is shared regardless of how active the respondent is outside the county.

Question C4. Using an integrated service that includes legal research, discussion forums, news, and other such capabilities.

84 responses received.

Another hypothesis we wished to test was whether electronic interaction by itself would provide enough utility to the potential audience that it would be widely accepted and used in practice. The results of the survey suggest that a broader range of services offered as a single package would be more appealing to practitioners. Some 74% saw an integrated offering as moderately or highly interesting.

C4. Court interaction integrated with other legal services



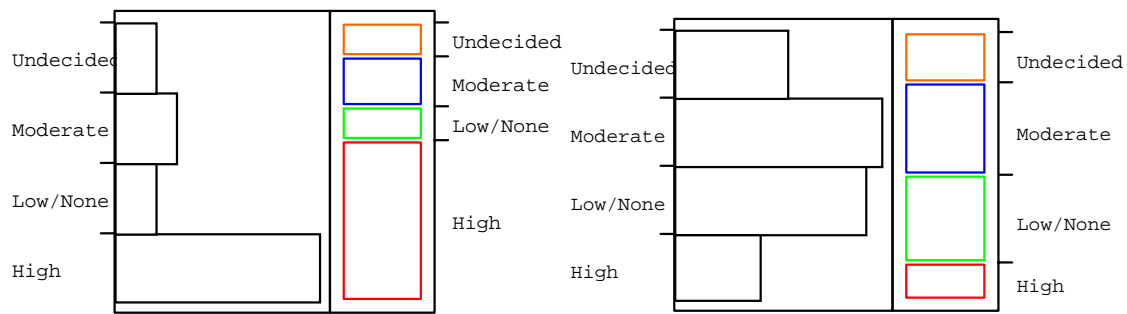
Question C1. Using a graphical point-and-click interface and special software developed for the purpose.

Question C2. Using typed commands, function keys, or menus and any general purpose communications program.

84 responses received.

These questions were designed to determine how important the means of interfacing to a court system is to the potential audience. Question C1 connoted ease of use, software specifically designed for the purpose, and with a graphical user interface; but users would need to obtain the application before they could interact with the court. C2, alternatively, suggested using any off-the-shelf communications program and more traditional host-based screen displays without a graphical user interface; most prospective users probably already have the necessary software to communicate with the court.

C1. Special purpose program with GUI. C2. General purpose program, no GUI.



Level	Count	Probability	Cum Prob	Level	Count	Probability	Cum Prob
High	49	0.58333	0.58333	High	12	0.14286	0.14286
Low/None	10	0.11905	0.70238	Low/None	27	0.32143	0.46429
Moderate	15	0.17857	0.88095	Moderate	29	0.34524	0.80952
Undecided	10	0.11905	1.00000	Undecided	16	0.19048	1.00000

A significant proportion of respondents seem to prefer the specialized software approach over the generic software alternative. Far less than half indicate a moderate to high level of interest in using the latter approach, while some 76% have a comparable level of interest in using specialized software.

In this response users seem to be placing ease of use and functionality ahead of common availability of the required software. A service designed around a custom client application would apparently not pose a barrier to acceptance by practitioners.

H. Software Platforms

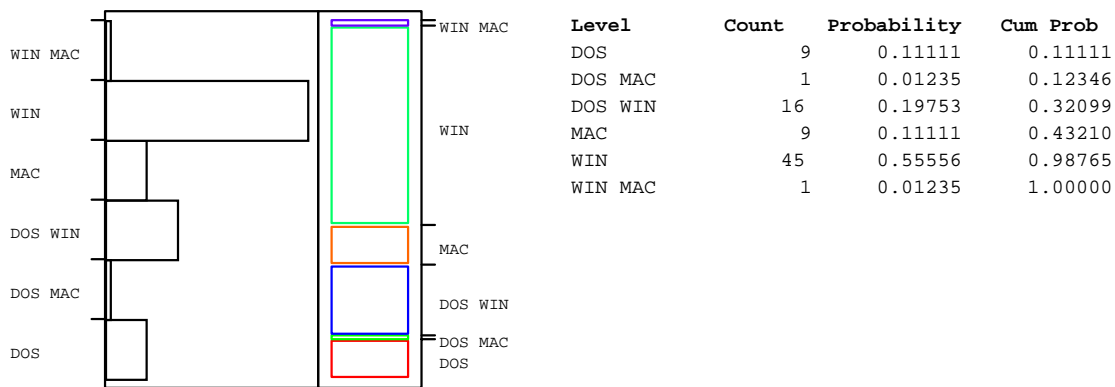
Question E. Within the next 12 months, if electronic interaction was made available, what do you think you would use to access this information?

81 responses received.

Section E attempted to identify the software platform practitioners would expect to use in the time frame of the next year. The available options were listed as DOS, Windows, Macintosh, UNIX, touch tone telephone with audio response, or other. Respondents were able to select more than one alternative, and many did so.

Microsoft Windows is the most popular software environment in use or expected to be used in the legal community, with 56% using it exclusively and 77% indicating it was used in combination with other environments such as DOS or Macintosh. About 11% expect to continue using DOS exclusively over the next 12 months. DOS is used more intensively by small firms and sole practitioners. The Macintosh is used exclusively by 11%, and is available to about 13% of all respondents. Macintoshes are used more intensively in larger than smaller firms. Those indicating a preference to interact using touch tone telephone (not shown in diagram) amounted to 12%, but this was always one of multiple selections, indicating perhaps that it is viewed as a necessary but not sufficient means of interaction.

Question E. Software platform in use within next 12 months



I. Other Comments

A few people responding to the survey took the opportunity to suggest other capabilities or services that might be offered. These are summarized below.

- Provide access to information in the Recorders or Assessors Offices (2).
- Make Superior Court tentative rulings available, apparently suggesting that this practice be adopted by the court (2).
- Electronically stipulate to arbitration in lieu of attending a Case Management Conference (1).

Perhaps the most poignant comment , and one that seems to summarize a considerable majority of the responses, was the following.

"I hope you do this. It would help us a lot."

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